

CHAPTER 10 AGRICULTURAL SEEDS

Part 1

Seed Law of 1986.

43-10-101. Short title.

This part shall be known as the "Tennessee Seed Law of 1986."

[Acts 1986, ch. 660, § 2.]

43-10-102. Legislative purpose.

The purpose of this part is to regulate the labeling, possessing, offering, exposing, transporting or distributing for sale of agricultural seeds, vegetable seeds, and screenings; to prevent misrepresentations thereof; and for other purposes.

[Acts 1986, ch. 660, § 3.]

43-10-103. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this part;
- (2) "Agricultural seeds" includes the seeds of grass, forage, cereal, and fiber crops and other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds, and mixture of such seeds, and may include noxious-weed seeds when the commissioner determines that such seed is being used as agricultural seed;
- (3) "Association of Official Seed Certifying Agencies (AOSCA)" is an organization which is incorporated and whose members are the certifying agencies;
- (4) "Brand" means the name, term, design, or trademark under which any person offers seed for sale;
- (5) "Certifying agency" means an agency authorized to officially certify seed under the laws of a state, territory, possession, or foreign country and which has certification standards for genetic purity and identity that meet those standards established by the Association of Official Seed Certifying Agencies and referenced in its official handbook;
- (6) "Class of certified seed" means one (1) of four (4) classes of certified seeds:
 - (A) Breeder;

(B) Foundation;

(C) Registered; and

(D) Certified as determined under procedures established by the Association of Official Seed Certifying Agencies and referenced in its official handbook;

(7) "Commissioner" means the commissioner of agriculture or the commissioner's designated agent or agents;

(8) "Conditioning" means cleaning, scarifying, treating, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require testing to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed;

(9) "Date of test" means the month and year the percentage of germination appearing on the label was obtained by laboratory test;

(10) "Germination" means the percentages by count of seeds under consideration, determined to be capable of producing normal seedlings in a given period of time and under normal conditions;

(11) "Grower's declaration" means a written declaration of a grower stating, for each lot of seed, the kind, variety or type, the lot number, place the seed was grown, quantity of seed, date shipped or delivered, to whom sold, shipped or delivered and the signature and address of the grower issuing the declaration;

(12) "Hard seeds" means seeds which, because of hardness or impermeability, do not absorb moisture and germinate under prescribed tests, but remain hard during the normal period for germination;

(13) "Hybrid" means the first-generation seed of a cross produced by controlling the pollination or by use of sterile lines and combining:

(A) Two (2) or more inbred lines;

(B) One (1) inbred or a single cross with an open-pollinated variety; or

(C) Two (2) varieties or species except open-pollinated varieties of corn. The second generation or subsequent generations from such crosses shall not be regarded as hybrids. For labeling purposes, recognized hybrid designations shall be treated as variety names;

(14) "In bulk" refers to loose seed in bins, or open containers, and not to seed in bags or packets;

(15) "Inbred line" means a relatively stable and pure breeding strain resulting from not less than four (4) successive generations of controlled self-pollination or four (4) successive generations of back-crossing in the case of male sterile lines;

(15) "In bulk" refers to loose seed in bins, or open containers, and not to seed in bags or packets;

(16) "Inert matter" means all matter not seeds, and includes broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed by rules and regulations promulgated pursuant to the provisions of this part;

(17) "Inoculant" means a commercial preparation containing nitrogen-fixing bacteria applied to seed;

(18) "Kind" means one (1) or more related species or subspecies which singly or collectively are known by one (1) common name; for example, corn, wheat, striate lespedeza, tall fescue, or cabbage;

(19) "Labeling" includes all labels and other written, printed or graphic representations in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations of invoices;

(20) "Lot" means a definite quantity of seed identified by a lot number or other identification, which shall be uniform within recognized tolerances for the factors which appear in the labeling;

(21) "Mixture" means seeds consisting of more than one (1) kind or kind and variety, each present in excess of five percent (5%) of the whole;

(22) "Noxious-weed seeds" shall be divided into two (2) classes:

(A) "Prohibited noxious-weed seeds" are the seeds of weeds which, when established on the land, are highly destructive and are not controlled in the state by cultural practices commonly used; and

(B) "Restricted noxious-weed seeds" are the seeds of weeds which are very objectionable in fields, lawns, and gardens in the state and are difficult to control by cultural practices commonly used;

(23) "Origin" means the state, District of Columbia, Puerto Rico, possession of the United States or the foreign country where the seed was grown;

(24) "Other crop seeds" means seeds of kinds or varieties of agricultural or vegetable crops other than those shown on the label as the primary kind or kind and variety;

(25) "Person" includes any individual, partnership, corporation, company, society, association, or legal entity;

(26) "Private hearing" consists of a discussion of facts between the person charged and the enforcement officer;

(27) "Pure seed" means agricultural or vegetable seeds, exclusive of inert matter, weed seeds and all other seeds distinguishable from the kind or kind and variety being considered when examined according to procedures prescribed by rules and regulations promulgated pursuant to the provisions of this part;

(28) "Purity" means the name or names of the kind, type or variety and the percentage of other crop seed; the percentage of weed seeds, including noxious-weed seeds; the percentage of inert matter; and the name and rate of occurrence of each noxious-weed seed;

(29) "Recognized variety name" and "recognized hybrid designation" mean the name or designation which was first assigned the variety or hybrid by the person who developed it or the person who first introduced it for the production or sale after legal acquisition. Such terms shall be used only to designate the varieties or hybrids to which they were first assigned;

(30) "Record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed;

(31) "Screenings" includes seed, inert matter and other materials removed from agricultural or vegetable seed by cleaning or conditioning;

(32) "Seed offered for sale" means any seed or grain whether in bags, packets, bins, or other containers, exposed in sales rooms, storerooms, warehouses, or other places where seed is sold or delivered for seeding purposes, and shall be subject to the provisions of this part, unless clearly labeled "not for sale as seed";

(33) "Seed seller" means a person who buys, sells, offers for sale, exposes for sale, distributes, or solicits orders for the sale of agricultural or vegetable seeds for seeding purposes, and includes any person who has seed grown under contract for resale for seeding purposes;

(34) "Seizure" means a legal process carried out by court order in which the department takes physical possession of a definite amount of seed;

(35) "Stop sale" means an administrative order provided by law restraining the sale, use, disposition and movement of a definite amount of seed;

(36) "Tolerance" means the allowance for sampling variation specified under rules and regulations promulgated pursuant to the provisions of this part;

(37) "Treated" means given an application of a substance or subjected to a process designed to reduce, control or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom, or to improve the planting value of the seed;

(38) "Ultimate consumer" means a person who purchases seed with no intention to resell the seed;

(39) "Variety" means a subdivision of a kind which is:

(A) Distinct, in the sense that the variety clearly differs by one (1) or more identifiable, morphological, physiological or other characteristics (which may include those evidenced by processing or product characteristics; e.g., milling and baking characteristics in the case of wheat) as to which a difference in genealogy may contribute evidence, from all prior varieties of public knowledge;

(B) Uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

(C) Stable, in the sense that the variety, when sexually reproduced or reconstituted, will remain unchanged with regard to its essential and distinctive characteristics with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed;

(40) "Vegetable seeds" includes the seeds of those crops which are grown in gardens or truck farms and are generally known and sold under the name of vegetable seed in this state; and

(41) "Weed seeds" means the seeds, bulblets, or tubers of all plants generally recognized as weeds within this state and includes noxious-weed seeds.

[Acts 1986, ch. 660, § 4; 1994, ch. 844, § 1; 1997, ch. 94, § 1.]

43-10-104. Label requirements.

Each container of agricultural and vegetable seeds which is sold, offered or exposed for sale, distributed or transported within or into this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information required under §§ [43-10-105](#) - [43-10-108](#), which information shall not be modified or denied in the labeling or on another label attached to the container.

[Acts 1986, ch. 660, § 5.]

43-10-105. Label requirements - Treated seeds.

All seed named and treated as defined in this part (for which a separate label may be used) shall be labeled to show the following information:

(1) A word or statement indicating that the seed has been treated;

(2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used;

(3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food, feed, or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement or symbol; and

(4) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

[Acts 1986, ch. 660, § 6.]

43-10-106. Label requirements - Agricultural seeds.

Agricultural seeds sold, distributed, offered or exposed for sale, or transported for sale within or into this state shall be labeled to show the following information:

(1) The commonly accepted name of the kind and the variety, or kind and the phrase "variety not stated" for each agricultural seed present in excess of five percent (5%) of the whole and the percentage by weight of each in order of its predominance. When more than one (1) component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label. Hybrids shall be labeled as hybrids;

(2) Lot number or other lot identifications;

(3) Net weight;

(4) Origin if known. If the origin is unknown, the fact shall be stated;

(5) Percentage by weight of inert matter;

(6) Percentage by weight of agricultural seeds and/or vegetable seeds (which shall be designated as "other crop seeds") other than those named on the label. Different varieties of the same kind of seed when in quantities of less than five percent (5%) will be considered as other crop seeds;

(7) Percentage by weight of all weed seeds, including noxious-weed seeds;

(8) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) In addition to the individual percentage statement of germination and hard seed, the total percentage of germination and hard seed may be stated as such, if desired;

(9) The name and number per pound of each kind of restricted noxious-weed seed present; and

(10) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.

[Acts 1986, ch. 660, § 7.]

43-10-107. Label requirements - Vegetable seeds in containers of one pound or less.

Labels for vegetable seeds in containers of one (1) pound or less, including vegetable seeds in preplanted containers, mats, tapes, or other planting devices, shall show the following information:

(1) Name of kind and variety of seed. Hybrids shall be labeled as hybrids;

(2) Lot number or other lot identification;

(3) (A) Percentage germination and calendar month and year the test was completed, or year for which packed; provided, that the words "Packed for" precedes the year. However, no seed are to be offered or exposed for sale at retail outlets before the year for which packed;

(B) Any seed offered or exposed for sale after the year for which packed, unless in hermetically sealed containers, must show a current germination test as required in § [43-10-109\(1\)](#)(B). The person in possession of such seed will be responsible for securing a new germination test;

(4) Name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state;

(5) For seeds which germinate less than the standards last established by the commissioner under this part:

(A) The percentage of germination, exclusive of hard seed;

(B) The percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentage;

(D) In addition to the individual percentage statement of germination and hard seed, the total percentage of germination and hard seed may be stated, if desired; and

(E) The words "Below Standard" in not less than eight (8) point type; and

(6) For seeds in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

[Acts 1986, ch. 660, § 8.]

43-10-108. Label Requirements – Vegetables seeds in containers of more than one pound.

Vegetable seeds in containers of more than one (1) pound shall be labeled to show the following information:

(1) The name of each kind and variety present in excess of five percent (5%) and the percentage by weight of each in order of its predominance. Hybrids shall be labeled as hybrids;

(2) Lot number or other lot identification:

(A) The percentage of germination, exclusive of hard seed;

(B) The percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) In addition to the individual percentage statement of germination and hard seed, the total percentage of germination and hard seed may be stated as such, if desired;

(E) Net weight, except when in bulk; and

(F) The name and address of the person who sells, offers or exposes the seed for sale within this state; and

(3) No tag or label shall be required, unless requested, on seeds sold directly to and in the presence of the purchaser and taken from a bag or container properly labeled.

[Acts 1986, ch. 660, § 9.]

43-10-109. Prohibitions.

It is unlawful for any person to:

(1) Transport, offer for transportation, sell, distribute, offer or expose for sale within this state agricultural seed or vegetable seeds for seeding purposes:

(A) Unless a seed license has been obtained in accordance with the provisions of this part;

(B) Unless the test to determine the percentage of germination required by §§ [43-10-106](#) - [43-10-108](#) shall have been completed within a nine-month period, exclusive of the

calendar month in which the test was completed immediately prior to sale, exposure for sale, or offering for sale or transportation;

(C) Not labeled in accordance with the provisions of this part or having a false or misleading labeling or claim;

(D) Pertaining to which there has been a false or misleading advertisement;

(E) Consisting of or containing prohibited noxious-weed seeds (tolerance not permitted);

(F) Containing restricted noxious-weed seeds, except as prescribed by rules and regulations promulgated under this part;

(G) Containing weed seeds in excess of two percent (2%) by weight unless otherwise provided in rules and regulations promulgated under this part;

(H) That have been treated and not labeled as required;

(I) To which there are affixed names or terms that create a misleading impression as to the kind, kind and variety, history, productivity, quality or origin of the seeds;

(J) Represented to be certified, registered, or foundation seed, unless it has been produced, processed and labeled in accordance with the procedures and in compliance with rules and regulations of an official seed certifying agency;

(K) Represented to be hybrid, unless such seed conforms to the definition of a "hybrid" as defined in this part;

(L) Unless it conforms to the definition of a "lot"; or

(M) By variety name seed not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed; provided, that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety;

(2) Advertise by variety name or make any representations to a particular variety, when the variety is protected by the Plant Variety Protection Act for sale only as a class of certified seed, if it has not been certified by an official seed certification agency, except as provided in subdivision (1)(M);

(3) Transport, offer for transportation, sell, distribute, offer or expose for sale seeds, whole grain, and screenings not for seeding purposes unless labeled "not for seeding purposes";

(4) Detach, alter, deface, or destroy any label provided for in this part or the rules and regulations promulgated thereunder, or to alter or substitute seed in any manner that defeats the purpose of this part;

- (5) Disseminate false or misleading advertisement in any manner concerning agricultural seeds, vegetable seeds or screenings;
- (6) Hinder or obstruct in any manner an authorized agent of the commissioner in the performance of such agent's lawful duties;
- (7) Fail to comply with or to supply inaccurate information in reply to a stop-sale order, or remove tags attached to, or move or dispose of, seed or screenings held under stop-sale order, except as specified by the enforcement officer;
- (8) Use the name of the department of agriculture or the results of tests and inspections made by the department for advertising purposes;
- (9) Sell, offer or expose for sale, or give away the seeds or plants of Johnson grass or seed indistinguishable from Johnson grass seed, such as Sorghum alum;
- (10) Use the words "type" or "trace" in lieu of information required by § [43-10-105](#) through this section;
- (11) Label and offer for sale seed under the scope of this part without keeping complete records as specified in § [43-10-111](#); or
- (12) Sell, distribute, offer or expose for sale tobacco seed for seeding purposes unless the seed has been certified by an official seed certifying agency.

[Acts 1986, ch. 660, § 10; 1993, ch. 269, § 1; 1994, ch. 844, § 2; 1997, ch. 94, § 2.]

43-10-110. Exemptions.

(a) The provisions of §§ [43-10-104](#) - [43-10-108](#) do not apply:

- (1) To seed or grain sold or represented to be sold for purposes other than for seeding; provided, that the seed is labeled "not for seeding purposes" and that the seed seller shall make it unmistakably clear to the purchaser of such seed or grain that it is not for seeding purposes;
- (2) To seed for conditioning when consigned to being transported to or stored in a conditioning establishment; provided, that the invoice or labeling accompanying the seed bears the statement "Seed for conditioning"; and provided further, that other labeling or representation which may be made with respect to the uncleaned or unconditioned seed shall be subject to this part;
- (3) When grown, sold, and delivered by the producer on the producer's own premises, to the purchaser personally for seeding purposes. If, however, the seed is advertised for sale through any public medium or if the seed is delivered by a common carrier, except transported for the purposes of being recleaned as hereinafter provided, the seed must be labeled in accordance with the provisions of this part; and

(4) To any carrier in respect to any seed or screenings transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, conditioning, or marketing agricultural or vegetable seeds or screenings subject to the provisions of this part.

(b) No person shall be subject to the penalties of this part for having sold, offered or exposed for sale in this state any agricultural or vegetable seeds which were incorrectly labeled or represented as to origin, kind, or variety when such seeds cannot be identified by examination thereof, unless such person has failed to obtain an invoice or genuine grower's declaration giving origin, kind, and variety or to take such other precautions as may be necessary to ensure the identity to be that stated.

[Acts 1986, ch. 660, § 11.]

43-10-111. Records.

Each person whose name appears on the label as handling agricultural or vegetable seeds subject to this part shall keep for a period of two (2) years complete records of each lot of such seed handled, and shall keep for one (1) year a file sample of each lot of seed after final disposition of the lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the commissioner or the commissioner's agent during customary business hours.

[Acts 1986, ch. 660, § 12.]

43-10-112. Disclaimers, nonwarranties, and limited warranties.

A disclaimer, nonwarranty, or limited warranty used in any invoice, advertising, labeling, or written, printed or graphic matter pertaining to any seed shall not directly or indirectly deny or modify any information required by this part or the rules and regulations promulgated under this part.

[Acts 1986, ch. 660, § 13.]

43-10-113. Tolerances to be established and used in enforcement.

Due to variations which may occur between the analysis or tests and likewise between label statements and the results of subsequent analyses and tests, tolerances which are to be established by appropriate rules and regulations promulgated under the authority of this part shall be employed in the enforcement of the provisions of this part.

[Acts 1986, ch. 660, § 14.]

43-10-114. Duties and authority of commissioner.

(a) The duty of enforcing this part and its rules and regulations and carrying out its provisions and requirements shall be vested in the commissioner. It is the duty of the commissioner, who may act through authorized agents to:

(1) Sample, inspect, analyze, and test agricultural and vegetable seed held in storage, transported, distributed, sold, offered or exposed for sale within this state for seeding purposes at such time and place and to such extent as the commissioner may deem necessary to determine whether such seeds are in compliance with provisions of this part, and notify promptly the person who transported, distributed, possessed, sold, offered or exposed the seed for sale of any violation;

(2) After conferring with interested industry representatives, prescribe, amend and adopt rules and regulations governing the method of sampling, inspection, analyzing, testing and examining agricultural and vegetable seed, and the tolerances to be followed in the administration of this part, which shall be in general accord with officially prescribed practices in interstate commerce;

(3) Adopt a list of prohibited and restricted noxious-weeds, conforming with the definitions stated in this part, and add or subtract therefrom, from time to time, after a public hearing following due public notice;

(4) Promulgate rules and regulations to provide such additional definitions of terms as the commissioner believes are needed; prescribe minimum standards of germination and purity and maximum number per pound allowed for each restricted noxious-weed; and

(5) Prescribe such other rules and regulations as may be necessary to secure the efficient enforcement of this part.

(b) Further, for the purpose of carrying out the provisions of this part, the commissioner, individually or through authorized agents, is authorized to:

(1) Enter upon any public or private premises during business hours in order to have access to seeds and the records connected therewith subject to this part and rules and regulations thereunder, and any truck or other conveyor by land, water, or air at any time when such conveyor is accessible, for the same purpose;

(2) Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural or vegetable seeds which the commissioner or the commissioner's authorized agent finds is in violation of any of the provisions of this part or rules and regulations promulgated thereunder, which order shall prohibit further sale, conditioning and movement of such seed until the enforcing officer has evidence that there has been compliance with the law, and has issued a release from the "stop sale" order of such seed; provided, that in respect to seed which has been denied sale, conditioning and movement as provided in this subdivision, the owner or custodian of such seed shall have the right to appeal from the order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of such order and for the discharge of such seeds from the order prohibiting the sale, conditioning and movement in accordance with the findings of the court; and provided further, that the provisions of

this subdivision shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this part;

(3) Establish and maintain or make provisions for seed testing facilities, employ qualified persons, and incur such expenses as may be necessary to comply with these provisions;

(4) Publish the results of analyses, tests, examinations, studies, and investigations made as authorized by this part, together with any other information the commissioner may deem advisable; and

(5) Cooperate with the United States department of agriculture in seed law enforcement.

[Acts 1986, ch. 660, § 15.]

43-10-115. Seizure.

Any lot of agricultural or vegetable seeds, mixtures of such seeds, or screenings being sold, exposed for sale, offered for sale or held with intent to sell in this state contrary to the provisions of this part shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the seeds, mixtures of such seeds, or screenings are located. In the event the court finds the seed to be in violation of the provisions of this part and orders the condemnation thereof, such seeds, mixtures of such seeds, or screenings shall be denatured, conditioned, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state; provided, that in no instance shall such disposition of the seeds, mixtures of such seeds, or screenings be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of the seeds, mixtures of such seeds, or screenings, or permission to condition or relabel to bring them into compliance with the provisions of this part.

[Acts 1986, ch. 660, § 16.]

43-10-116. Violations, hearings, prosecutions, or warnings.

(a) Any person who knowingly, or as a result either of gross negligence or of a failure to make a reasonable effort to be informed of the pertinent facts, violates any provision of this part, or the rules and regulations made and promulgated thereunder, commits a Class C misdemeanor. However, no prosecution under this part shall be instituted without the person first having been given an opportunity to appear before the commissioner or the commissioner's duly authorized agent, to introduce evidence either in person or by agent or attorney at a private hearing.

(b) If, after such hearing, or without such hearing in the event the person or the person's agent or attorney fails or refuses to appear, the commissioner is of the opinion that the evidence warrants prosecution, the commissioner shall proceed according to legal procedures in the state, or, if the commissioner believes the public interest will be adequately served thereby, the commissioner may direct to the alleged violator a suitable written notice or warning.

(c) After judgment by the court in any case arising under this part, the commissioner shall publish any information pertinent to the issuance of the judgment by the court in such media as the commissioner may designate from time to time.

[Acts 1986, ch. 660, § 17; 1989, ch. 591, § 113.]

43-10-117. Injunction.

When, in the performance of official duties, the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this part or any rules and regulations under this part, the injunction is to be issued without bond.

[Acts 1986, ch. 660, § 18.]

43-10-118. Licenses and inspection fees.

(a) Each seed seller who sells, offers for sale, exposes for sale, distributes, or solicits orders for the sale of any agricultural or vegetable seeds to farmers, retailers, wholesalers, or to any others who use or plant such seed in the state must obtain a license from the commissioner annually on July 1. Seed sellers shall obtain an application form and pay the appropriate fee:

(1) Each seed seller selling, possessing, offering or exposing for sale agricultural or vegetable seeds at retail in packages or containers larger than one (1) pound shall pay to the commissioner an annual fee of ten dollars (\$10.00) for each such place of business;

(2) Each seed seller selling seed to wholesalers only shall pay to the commissioner an annual fee of ten dollars (\$10.00) for each such place of business; and

(3) All other seed sellers not covered under subdivision (a)(1), excluding the actual producer of the seed, shall be classified as a wholesaler, and shall pay to the commissioner an annual fee of seventy-five dollars (\$75.00) for each such place of business.

(b) Out of state seed sellers who sell or ship seed into this state shall obtain a license in the same manner as described in subdivisions (a)(1) and (2).

(c) Each person who does not have a fixed place of business who sells, offers or exposes for sale, seed in this state shall be required upon application for a license to furnish a surety bond in the amount of ten thousand dollars (\$10,000) payable to the commissioner. The bond shall be given for the protection of purchasers of such seed and for the purpose of carrying out the provisions of this part.

(d) Licenses shall be renewed annually beginning July 1. Failure to renew such license by September 1 of each year, will incur a penalty of one hundred percent (100%) to the cost of the license.

(e) Each seed seller, including the actual producer of the seed, selling, distributing, offering, or exposing for sale agricultural or vegetable seeds within or into this state shall pay to the department an inspection fee on each container of seed as follows:

(1) Three cents (3¢) per container weighing from six pounds (6 lbs.) to one hundred pounds (100 lbs.);

(2) Three cents (3¢) per c.w.t., or fractions thereof, for seeds in bulk or container in excess of one hundred pounds (100 lbs.);

(3) Three cents (3¢) for each case of agricultural or vegetable seeds in containers weighing five pounds (5 lbs.) or less; and

(4) Two cents (2¢) for each two-ounce package or less of tobacco seed.

(f) The inspection fees shall be paid by means of a reporting system. Procedures for obtaining a permit and the responsibilities of the permit holders shall be established by rules and regulations promulgated by the commissioner.

[Acts 1986, ch. 660, § 19; 1997, ch. 94, § 3.]

43-10-119. Disposition of fees.

For the purpose of providing a fund to defray the expenses of inspection, examination, analysis of seeds and the enforcement of the provisions of this part, all fees and fines collected shall be deposited to the credit of the department.

[Acts 1986, ch. 660, § 20.]

43-10-120. Regulations promulgated under former statute.

All regulations promulgated under prior law shall remain in effect until amended or repealed in accordance with the Uniform Administrative Procedures Act, compiled in [title 4, chapter 5](#).

[Acts 1986, ch. 660, § 21.]

PART 2 SEED CERTIFICATION

43-10-201. State seed certifying agency.

The commissioner of agriculture, the vice president of the University of Tennessee institute of agriculture, the dean of the University of Tennessee agriculture experiment station and the dean of the University of Tennessee extension service are hereby vested with full authority to designate a crop improvement association as the official state seed certifying agency. Such association shall be a member of the Association of Official Seed

Certifying Agencies. Such officials are further authorized, if satisfied that the association acting as official state seed certifying agency has not performed its duties in the best interests of Tennessee agriculture, to terminate the appointment of such association as the official state seed certifying agency.

[Acts 1985, ch. 329, § 1.]

43-10-202. [Repealed.]

43-10-203. Duties of the board of directors of the seed certifying agency.

The seed certifying agency's board of directors has control, management and supervision of the production, distribution and certification of purebred seeds in Tennessee under the provisions of this part.

[Acts 1985, ch. 329, § 1; 1995, ch. 291, § 4.]

43-10-204. Applicability of provisions.

Any person, association, firm or corporation who issues, uses or circulates any advertisement, tag, seal, poster, letterhead or marketing circular containing any written or printed representation or description that such seeds offered for sale or use are "Tennessee Certified," "Tennessee State Certified," "State Certified," or the equivalent utilizing words or symbols to imply conformity with the standards established by the state seed certifying agency, shall be subject to the provisions of this part. Such provisions do not apply, however, to the plant and plant product certification procedures concerning freedom from disease and insect infestation, as currently conducted by the plant industries division of the department of agriculture. Any issuance, use or circulation of any certificate or instrument, as defined in this part, shall be deemed "certification" for the purposes of this part.

[Acts 1985, ch. 329, § 1.]

43-10-205. Rules and regulations - Compliance with standards and procedures - Valid certifications.

(a) The state seed certifying agency shall promulgate rules and regulations for the certification of seeds, plants or plant parts intended for growth, harvest, sale or distribution in Tennessee, with the exception of nursery crops, greenhouse crops, vegetable crops, strawberries and sweet potatoes.

(b) All seeds, plants, or plant parts intended for growth, harvest, sale or distribution in Tennessee, with the exception of nursery crops, greenhouse crops, vegetable crops, strawberries and sweet potatoes, shall comply with the standards and procedures established by the state seed certifying agency in order to be eligible for certification.

(c) No certification is valid unless issued by the state seed certifying agency established in this part.

[Acts 1985, ch. 329, § 1; 1995, ch. 291, § 5.]

43-10-206. Violations - Penalties.

It is unlawful for any person, firm, association or corporation to issue, make, use or circulate any certification as provided for in this part, without authority from and the approval of the state seed certifying agency. Any person, firm, association or corporation who violates any provision of this part commits a Class A misdemeanor for each separate offense, and shall further be denied any right to apply for subsequent certification for such a period as the court sees fit but not to exceed one (1) year.

[Acts 1985, ch. 329, § 1; 1989, ch. 591, §§ 1, 6.]